

# PUBLIC NOTICE

## US Army Corps of Engineers®

### APPLICATION FOR PERMIT

LOS ANGELES DISTRICT

**Public Notice/Application No.:** 200301532-DPS

**Comment Period:** October 24, 2003 through November 24, 2003

**Project Manager:** Daniel P. Swenson (213) 452-3414 [daniel.p.swenson@usace.army.mil](mailto:daniel.p.swenson@usace.army.mil)

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#### **Applicant**

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Brookfield California Land Holdings  
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#### **Contact**

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PCR Services Corporation  
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#### **Location**

The proposed Audie Murphy Ranch Project is located in Riverside County, California (Figures 1 and 2). The 1113-acre property is located immediately southeast of Canyon Lake Reservoir, north of Holland Road, south of Railroad Canyon Road, east of Interstate 15 Freeway, and west of Murrieta Road. The UTM coordinates corresponding to the approximate center of the property are 3726445 m N and 479426 m E.

#### **Activity**

The applicant, Brookfield California Land Holdings, proposes to construct a 587.2 acre medium-density residential development (2190 residential dwelling units), as well as parks totaling 58.2 acres, 29.6 acres of schools, 2.8 acres for a community recreation center, and 247.8 acres of open space to be preserved in perpetuity (Figure 3). The proposed project would permanently impact approximately 1.57 acres of waters of the United States, of which 0.67 acre are wetlands (Figure 4). For more information see page 3 of this notice.

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Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Branch  
ATTN: CESPL-CO-R-200301532-DPS  
P.O. Box 532711  
Los Angeles, California 90053-2325

Alternatively, comments can be sent electronically to: [daniel.p.swenson@usace.army.mil](mailto:daniel.p.swenson@usace.army.mil)

## **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

## **Preliminary Review of Selected Factors**

**EIS Determination-** A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

**Water Quality-** The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

**Coastal Zone Management-** This project is located outside of the coastal zone and will not affect coastal zone resources.

**Cultural Resources-** An intensive cultural resources inventory was conducted in May 1985 and a subsequent test exploration phase was completed in August 1985. The site was resurveyed between February and April 2002. An archaeological records search revealed that 14 previously recorded archaeological sites, including 12 prehistoric sites and two sites with both prehistoric and historic components, are registered within the project boundaries. Seventeen previously identified archaeological sites were investigated and 26 newly identified sites were discovered during the 2002 survey. No evidence of paleontological resources was observed. The Corps is currently evaluating these cultural resource sites to determine whether they are within close proximity to waters of the United States. If the Corps determines there are sites eligible for listing in the National Register of Historic Places which are located within our scope of analysis, we will then initiate consultation with the State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.

**Endangered Species-** Surveys for the Federally-endangered Stephens' kangaroo rat (*Dipodomys stephensi*) (SKR) were conducted in 1985. Survey results indicated the presence of SKR. The site is also located within the Riverside County Habitat Conservation Agency Fee Area established in the Habitat Conservation Plan (HCP) for the Stephens' Kangaroo Rat in Western Riverside County. Surveys for the coastal California gnatcatcher (*Poliophtila californica californica*) (CAGN) during the spring and summer of 2001 detected at least 11 pairs (Figure 5). Surveys for the least Bell's vireo (*Vireo bellii pusillus*) (LBV) during the spring and summer of 2001 identified at least one male on-site within Salt Creek southeast of the intersection of Goetz Road and Newport Road (Figure 5). The individual was observed within dense, mature cottonwood-willow riparian forest and occupying a distinct territory for several weeks. Although a pair was not observed, this individual was displaying typical breeding behaviors and a female was likely in the vicinity. The Corps has determined the proposed project may affect the coastal California gnatcatcher, the least Bell's vireo, and Stephens' kangaroo rat. Therefore, the Corps will initiate formal consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act of 1973, as amended.

**Public Hearing-** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

### **Proposed Activity for Which a Permit is Required**

The proposed activity, requiring a permit, is to permanently discharge fill in waters of the U.S. associated with the construction of an approximately 587.2 acre medium-density residential development, as well as parks totaling 58.2 acres, 29.6 acres of schools, 2.8 acres for a community recreation center, and 247.8 acres of open space to be preserved in perpetuity (Figure 2). The proposed activity (Applicant's Preferred Project Alternative) would consist of road crossings and fill for building pads. The proposed discharges would result in permanent fill of approximately 1.57 acre of waters of the U.S., including 0.67 acre of wetlands.

### **Additional Project Information**

**Baseline Conditions-** The 1113-acre proposed project site lies within the Santa Ana River Basin. The Site is located in an unincorporated portion of southwestern Riverside County, adjacent to the cities of Lake Elsinore and Canyon Lake and immediately southeast of Canyon Lake Reservoir. Much of the site has been disturbed from its natural setting by agricultural activities, cattle grazing, mowing, clearing, and fire. Vegetation on the site is predominantly composed of ruderal, non-native grass, and ornamental species. Remaining native plant communities and boulder out-crops occur in southern and northern portions of the site. The southern half of the site is less disturbed and supports natural communities mostly represented as Riversidean sage scrub. The central and northern half of the site exhibits shallow topography dominated by agricultural fields. Salt Creek, a USGS-designated "blue-line" stream, bisects the Site from east to west near the center of the property. The creek has been defined as an intermittent stream supporting predominately southern willow scrub habitat, but also exhibits invasion by exotic species and disturbance from the construction of large, abandoned concrete box culverts and dirt road crossings. Furthermore, the Salt Creek drainage is designated as a "Linkage" under the Riverside County Multi-Species Habitat Conservation Plan (MSHCP). In addition to Salt Creek, a portion of drainage A is intermittent and supports willows (*Salix* species) and mulefat. The site also contains 15 ephemeral drainages and six seasonal ponds which constitute waters of the U.S. These drainages support areas of alkali meadow, three types of willow scrub, and one large eucalyptus grove.

**Table 1. Existing jurisdictional acreage.**

<b>Drainage Name</b>	<b>Total Waters of the U.S. (Acres)</b>	<b>Wetland Waters of the U.S. (Acres)</b>
Salt Creek	7.90	4.70
Drainage A (A, A1, A2, A4)	2.95	2.15
Drainage 1	0.11	-
Drainage 2	0.06	-
Drainage 3	0.11	-
Drainage 4	0.06	-
Drainage 5	0.07	-
Drainage 6	0.09	-
Drainage 7	0.05	-
Drainage 8	0.06	-
Drainage 10	0.12	-
Drainage 16	0.04	-
Drainage 17	0.04	-
Drainage 18	0.26	-
Drainage 19	0.13	-
Drainage 20	0.09	-
Drainage 21	0.02	-
Pond 2	0.14	-
Pond 3	0.34	-
Pond 4	0.03	-
Pond 5	0.08	-
Pond 6	0.23	-
Pond 7	0.06	-
<b>Total</b>	<b>13.09</b>	<b>6.85</b>

**Project Purpose and Need Statement-** The Corps has determined the basic purpose of the proposed project is to construct residential development to meet the public need to provide housing for people. The proposed project would meet the private need to generate revenue through development of private land. The proposed project is not water dependent. The Corps has determined the overall project purpose is to construct a medium-density residential development within western Riverside County, California.

**Applicant's Preliminary Alternatives Analysis-** Based on this preliminary alternatives analysis, the applicant's preferred project (alternative 3) was selected by the applicant as the most practicable alternative. According to the applicant, of the alternatives identified, the proposed alternative involves the greatest hydrologic and cultural benefits, while impacting a reasonable amount of waters of the U.S.

- 1) *Off-site Alternatives:* Off-site alternatives need to be considered as part of the alternatives analysis. Properties will be considered within the western Riverside County area that could meet the stated project purpose that are available at the time of the application to the Corps for authorization.
- 2) *No Action/No Project Alternative:* The No Action/No Project Alternative would leave the land undeveloped and the various drainages natural. This alternative would not result in a discharge of fill to jurisdictional "waters of the U.S." or "waters of the State," as well as any associated riparian habitat. No impacts to federally-endangered or threatened species would occur.

- 3) *No Federal Action Alternative*: This alternative assumes that all impacts to waters of the U.S. could be avoided while still allowing for some development of the proposed project site. Road access across any waters of the U.S. would require construction of bridges, and project grading would need to be limited to areas outside of jurisdictional areas. This alternative would have impacts to coastal California gnatcatchers similar to impacts for the Wetlands Avoidance Alternative.
- 4) *Riverside County Integrated Plan (RCIP) Alternative*: The RCIP Alternative would create 3250 residential dwelling units on approximately 773 acres. In addition, this alternative would include 28 acres of commercial space, 30 acres to construct a school, 55 acres for major road improvements, 14 acres for parks, and 203 acres dedicated for open space. Although this alternative would result in a 48 percent increase in number of developable lots compared to the Applicant's Preferred Project Alternative, it would permanently impact approximately 12.13 acres of waters of the U.S., including 6.84 acres of Corps-jurisdictional wetlands. In addition, this alternative would temporarily impact 0.68 acre of CAGN habitat and permanently impact 30.52 acres of CAGN habitat. This alternative would also result in an increase in project cost by approximately \$45,417,931 (30.1%).
- 5) *Applicant's Preferred Project Alternative*: The Applicant's Preferred Project Alternative would create 2190 residential dwelling units on approximately 587.2 acres. The preferred project would also include 2.8 acres of community recreation, 30 acres to construct a school, 71 acres for major road improvements, 24 acres for parks, and 248 acres dedicated for open space. The design would avoid the majority of Salt Creek and portions of the flood plain within the project boundary, as well as portions of the other ephemeral drainages found on-site (116.5 acres). Approximately 1.57 acre of waters of the U.S., of which 0.67 acre of Corps-jurisdictional wetlands, would be impacted. In addition, this alternative would temporarily impact 4.95 acres of CAGN habitat and permanently impact 8.51 acres of CAGN habitat.
- 6) *Wetlands Avoidance Alternative*: The Wetland Avoidance Alternative would create 1750 residential dwelling units on 417 acres. It would also include 2.8 acres of community recreation, 10 acres to construct a school, 60 acres for major road improvements, seven acres for parks, and 617 acres dedicated for open space. This alternative would avoid a majority of the Corps, RWQCB, and CDFG jurisdictional areas. This alternative is the same as the Applicant's Preferred Project Alternative, except development would avoid all on-site drainages with the exception of minor impacts to drainages 1, 5, A, and A1; seasonal ponds 1, 6, and 7; and depressional wetland 1. Approximately 0.03 acre of waters of the U.S., none of which would be Corps-jurisdictional wetlands, would be impacted. In addition, this alternative would temporarily impact 3.38 acres of CAGN habitat and permanently impact 12.28 acres of CAGN habitat. Although this alternative would be the least environmentally damaging to waters of the U.S., it would result in the loss of 440 residential dwelling units (20.1 percent) and a decrease in project cost by approximately \$18,852,000 (-12.5%).
- 7) *Reduced Project Alternative*: The Reduced Project Alternative would create 1960 residential dwelling units on 470 acres. It would also include 2.8 acres of community recreation, 23 acres to construct a school, 70 acres for major road improvements, seven acres for parks, and 545 acres dedicated for open space. Approximately 1.15 acres of waters of the U.S., of which 0.12 acre are Corps-jurisdictional wetlands, would be impacted. In addition, this alternative would temporarily impact 1.48 acres of CAGN habitat and permanently impact 9.81 acres of CAGN habitat. This alternative would result in the loss of 230 lots of developable space (10.5 percent). This alternative would also result in a decrease in project cost by approximately \$9,854,000 (-6.5%).
- 8) *Cultural Resources Preservation Alternative*: The Cultural Resources Preservation Alternative would create 2729 residential dwelling units on 656 acres. It would also include 2.8 acres of community recreation, 22 acres to construct a school, 68 acres for major road improvements, and 12 acres for parks. This alternative

would minimize impacts to cultural resources identified in the southern portion of the site. The project design would preserve approximately 116 acres along Salt Creek and its floodplain, and an additional 208 acres of open space for cultural resources. Approximately 1.87 acres of waters of the U.S., of which 0.37 acre is Corps-jurisdictional wetlands, would be impacted. In addition, this alternative would temporarily impact 4.26 acres of CAGN habitat and permanently impact 22.82 acres of CAGN habitat. This alternative would result in an increase of the project cost by approximately \$23,093,669 (15.3 percent).

**Proposed Mitigation-** A mitigation plan will be developed to address impacts to waters of the U.S.

**Proposed Special Conditions** None at this time.

For additional information please call Daniel P. Swenson of my staff at (213) 452-3414. This public notice is issued by the Chief, Regulatory Branch.

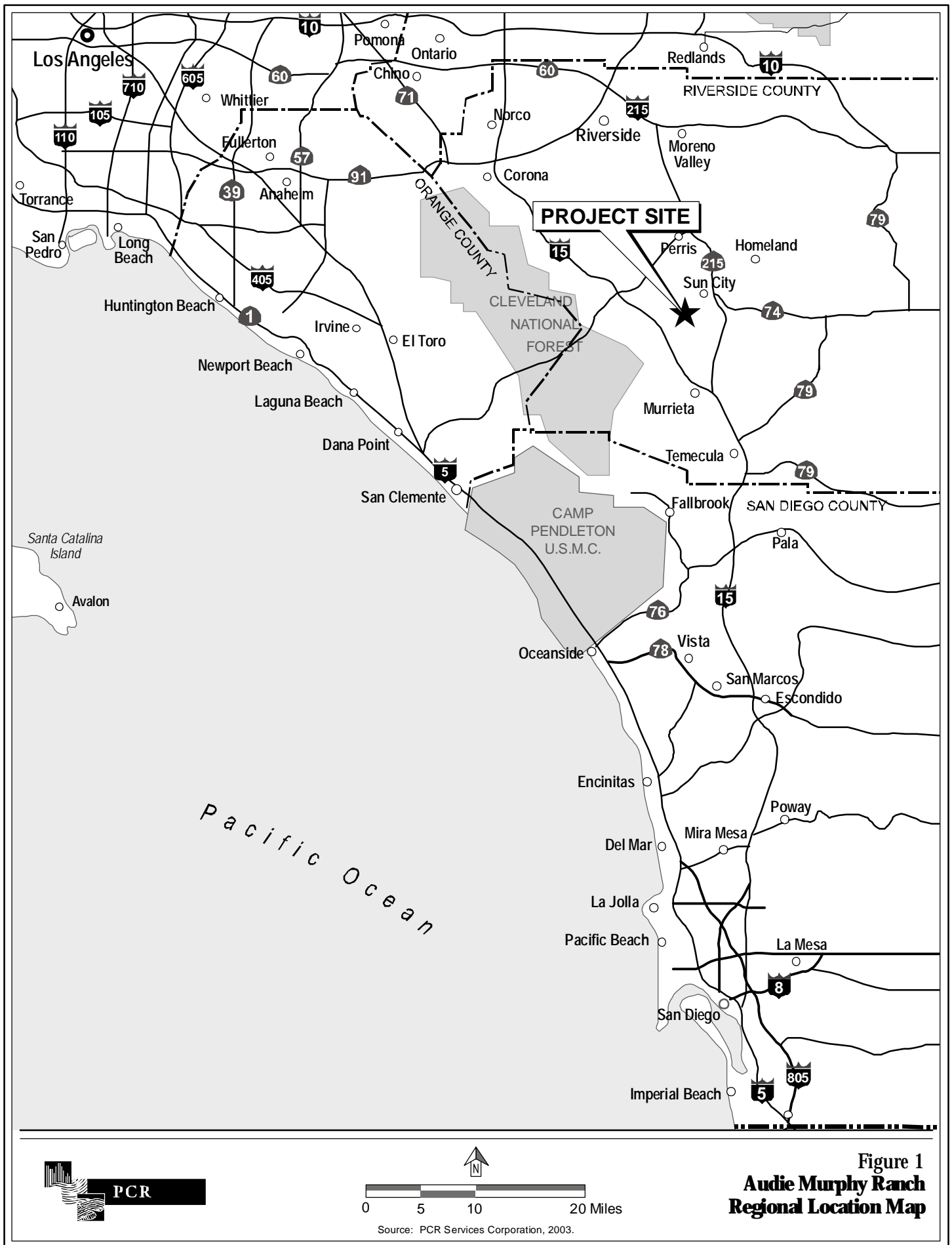
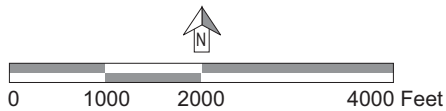
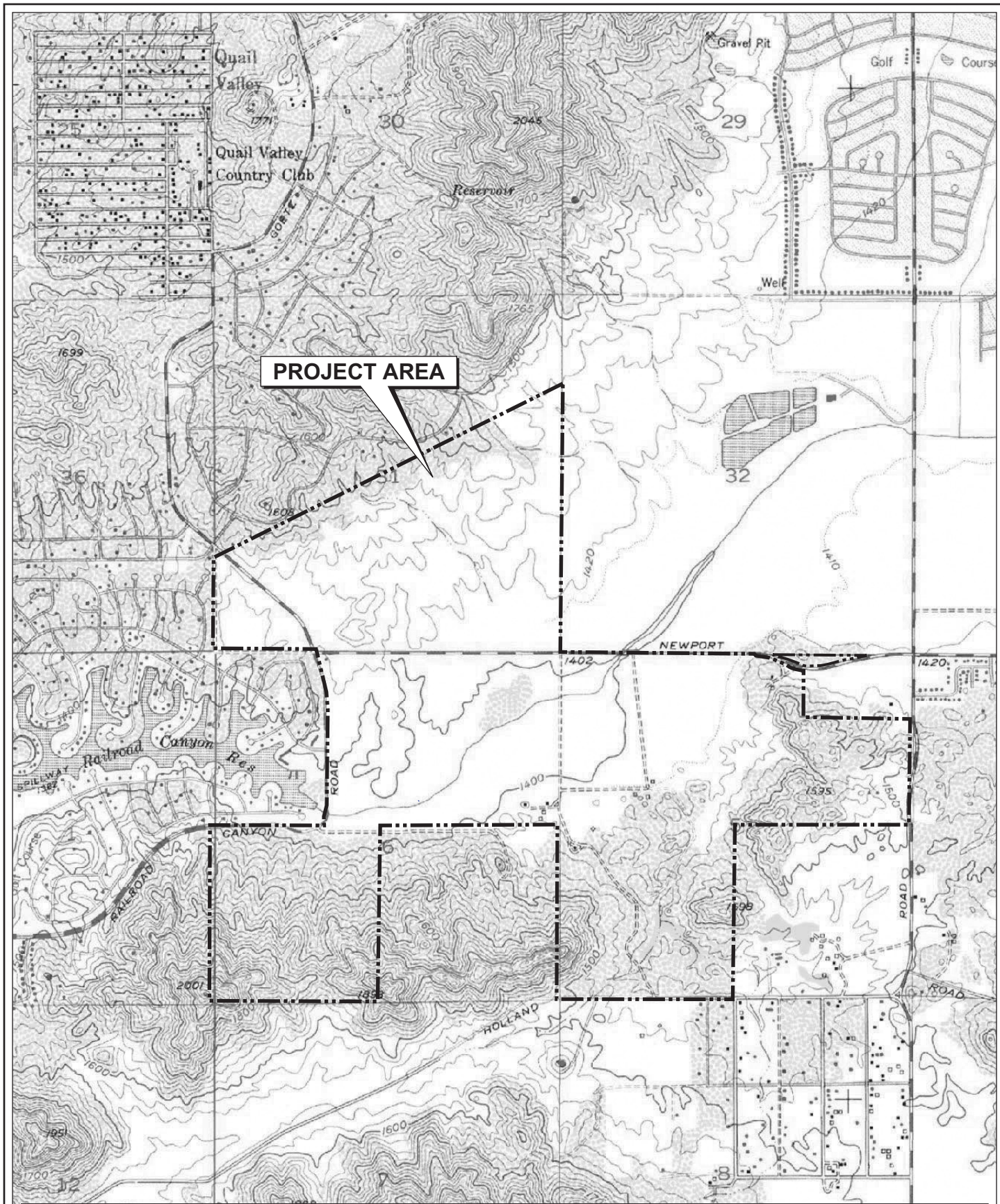


Figure 1  
**Audie Murphy Ranch  
Regional Location Map**





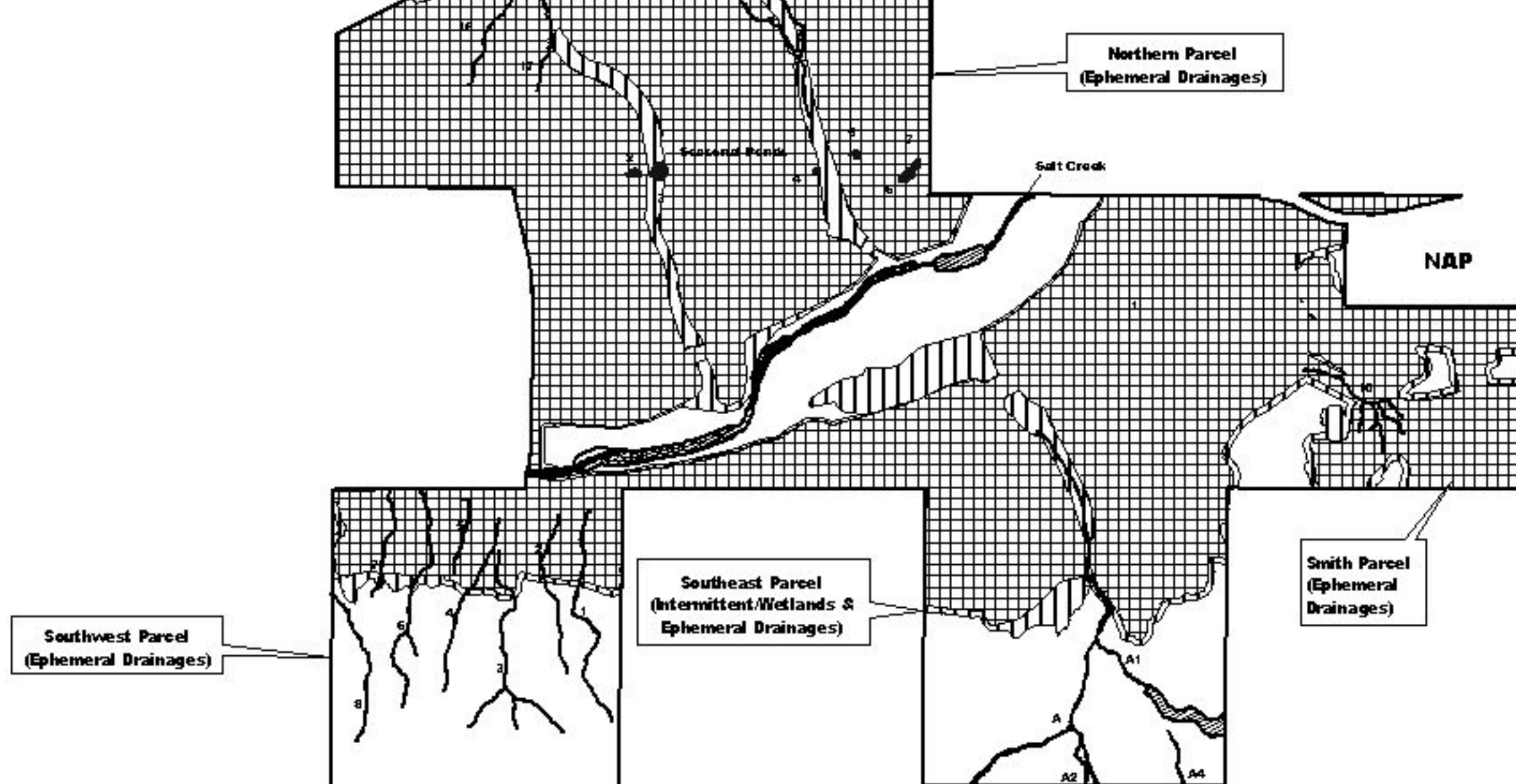
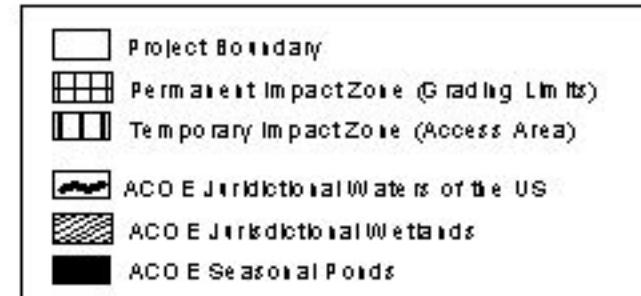
Source: USGS Romoland, California, 1953, photorevised 1979

Figure 2  
Audie Murphy Ranch  
Vicinity Map



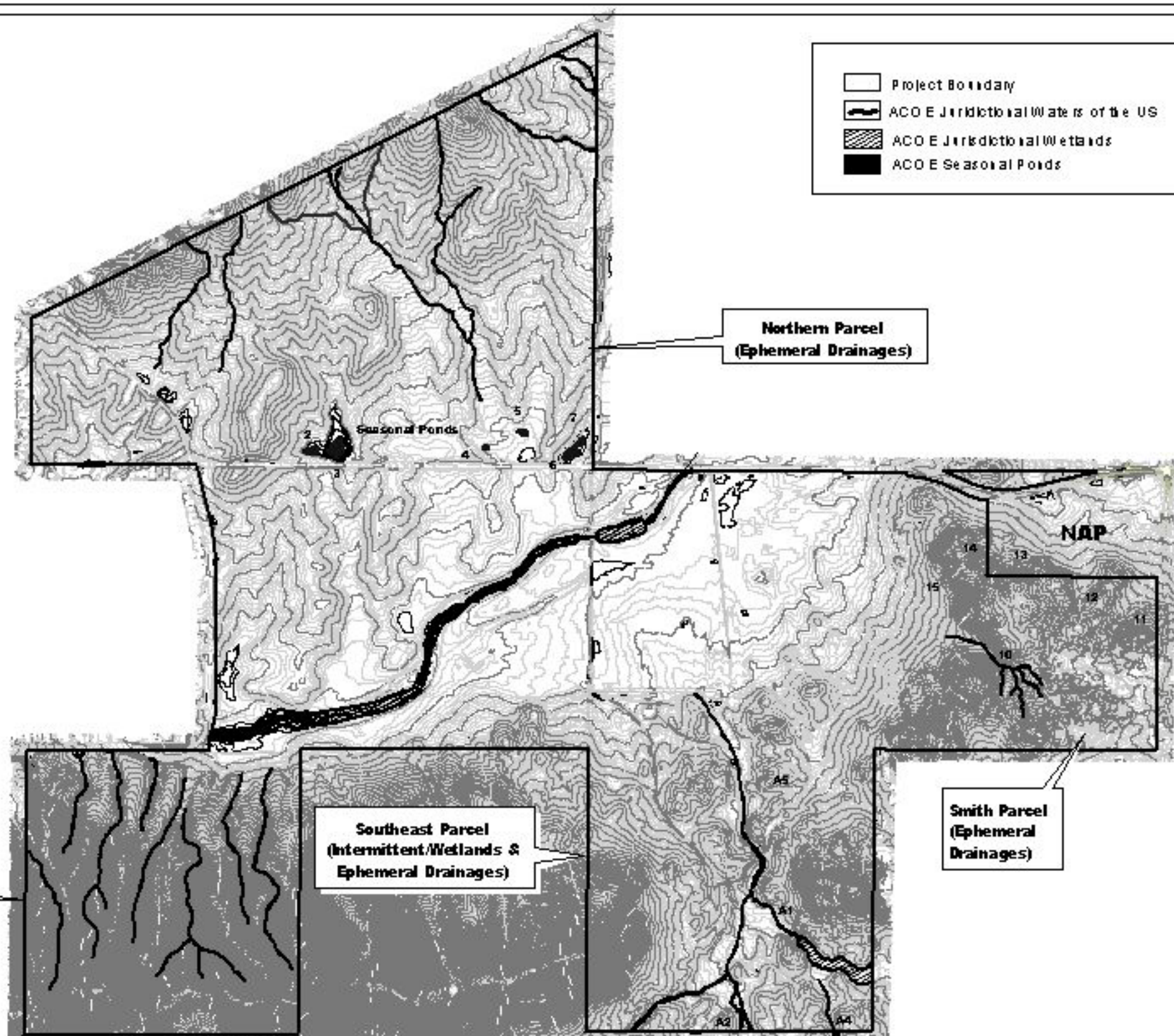
Proposed Impacts (acres)		
	Permanent	Temporary
Drainage #	0.98	0.45
(Wetland or	(0.09)	(0.13)
Seasonal Pond #	0.58	0.31

\* Note: ( ) = Wetland acreage included within "Waters of the U.S."



Source: K&A Engineering, 2003; PCR Services Corporation, 2003.

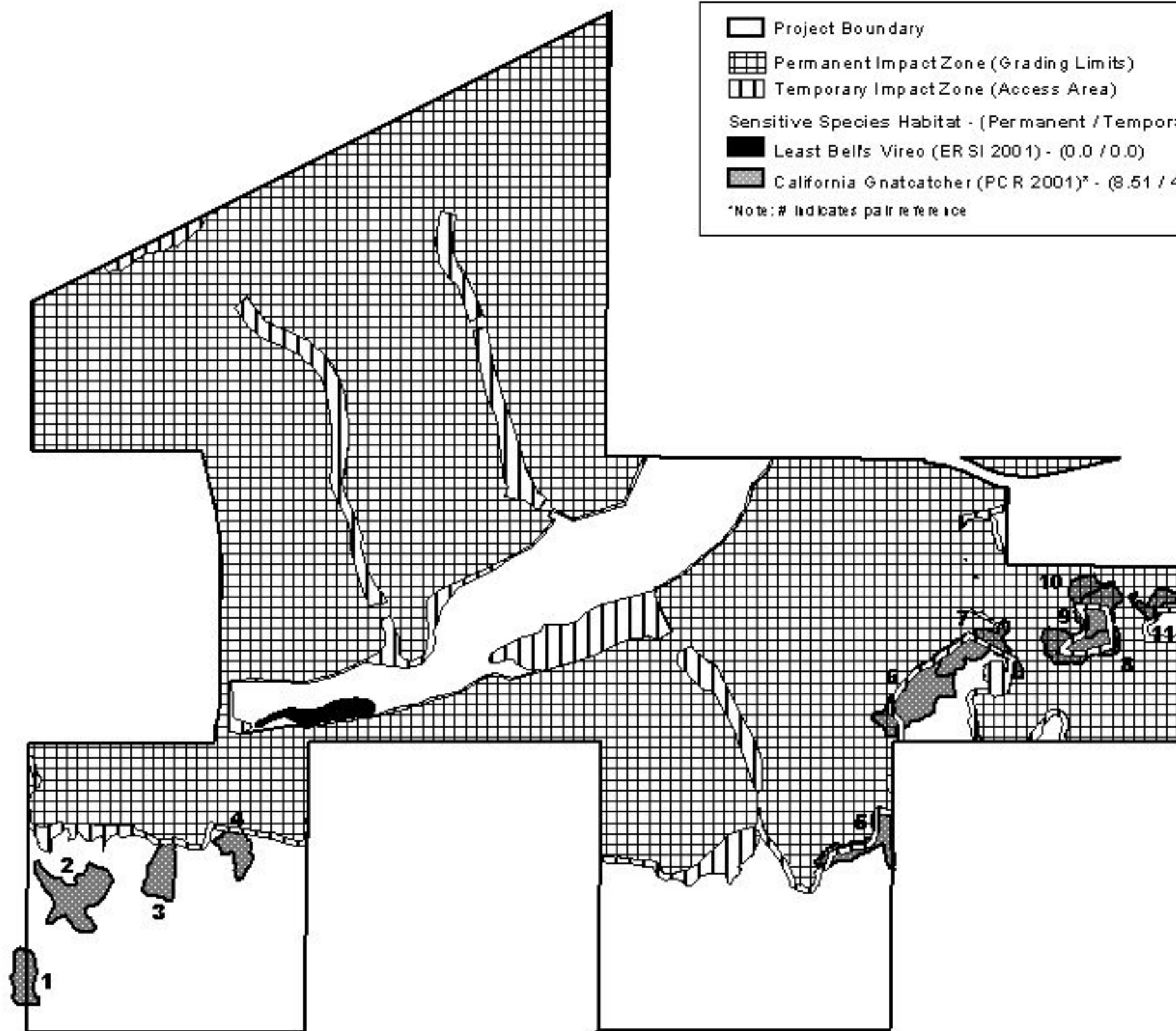
Figure 3  
 Audie Murphy Ranch  
 Proposed Impacts  
 to Jurisdictional Waters and Wetlands



Source : K&A Engineering, 2003; PCR Services Corporation, 2003.

Figure 4

**Audie Murphy Ranch  
Jurisdictional Waters and Wetlands**



- Project Boundary
  - Permanent Impact Zone (Grading Limits)
  - Temporary Impact Zone (Access Area)
  - Sensitive Species Habitat - (Permanent / Temporary Impacts in acres)
  - Least Bell's Vireo (ER SI 2001) - (0.0 / 0.0)
  - California Gnatcatcher (PCR 2001)\* - (8.51 / 4.95)
- \*Note: # indicates pair reference



Source : PCR Services Corporation, 2003.

Figure 5  
Audie Murphy Ranch  
Proposed Impacts to California Gnatcatcher and  
Least Bell's Vireo Habitat